

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 99 – 22

Being a By-Law to Establish Fees for Private Works On, Over, Along, or Under Municipal Roads.

WHEREAS Subsection 232(1) of The Municipal Act, S.M. 1996, c. 58 – Cap. M225 states in part as follows:

“232(1) A council may pass by-laws for municipal purposes respecting the following matters:

(b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;

(e) private works on, over, along or under municipal roads;”

AND WHEREAS Subsection 232(2) states in part as follows:

“232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (e) (i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
- (iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,
- (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them,

(v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law, and

(vi) providing for the posting of a bond or other security to ensure compliance with a term or condition;

(f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters;”

AND WHEREAS the Council of the Rural Municipality of East St. Paul deems it advisable to establish fees for certain private works on, over, along or under municipal roads;

NOW THEREFORE, the Council of the Rural Municipality of East St. Paul in session duly assembled, enacts the following:

1. THAT the fees, charges and security payable to the Rural Municipality of East St. Paul for certain private works on, over, along or under municipal roads be approved as set out in Schedule “A” attached hereto.
2. THAT this by-law become effective January 1, 2000.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul, in Council duly assembled in East St. Paul, in Manitoba, this 9th day of November, A.D. 1999.

Reeve

Chief Administrative Officer

Read a first time this 28th day of October, A. D. 1999.

Read a second time this 9th day of November, A. D. 1999.

Read a third time this 9th day of November, A. D. 1999.

SCHEDULE "A" TO BY-LAW NO. 99-22

Fees, charges and security for approaches and cuts to be set as follows:

1. **Approaches:**

Residential:

	<u>Fee</u>
Regular Permit	\$80.00
Non-Conforming Surcharge	\$75.00

Where an approach permit is applied for after construction has commenced, the Applicant shall pay a fee equal to three times the regular fee applicable to the permit.

2. **Roadway Area Cuts**

	<u>Fee</u>	<u>Refundable Security Deposit</u>
Cut Permit	\$65.00	\$00.00
Latent Sinkage	\$5.00	Per square meter area (4 sq. metre minimum)
Concrete Roadway Cut		\$143.00 Per square meter area (2 sq. meter minimum)
Asphalt Roadway Cut		\$75.00 Per square meter area (2 sq. meter minimum)
Gravel Roadway Cut		\$140.00
Sidewalk Cuts		\$92.00 Per square metre (3 sq. meter minimum)
Curb Cuts		\$112.00 Per square meter (2 sq. meter minimum)
Boulevard Cuts		\$16.25 Per square meter (4 sq. meter minimum)

At the time of application, the Applicant shall provide the minimum refundable security deposit to the Municipality for the intended work. When the work is carried out, the Municipality may require the Applicant to provide refundable

further security deposit funds where the work area exceeds the minimum area defined above.

The Municipality shall hold the refundable security deposit until such time as the remedial work is completed to the satisfaction of the Municipality. Where, in the opinion of the Municipality, the remedial work has not been completed to the satisfaction of the Municipality, the permit holder shall be ordered to correct or complete the remedial work.

Where an Applicant who has been given a notice, order or direction by the Municipality to do any act or thing to complete the remedial work neglects or refuses to comply with such order or direction within the time specified, the Municipality may cause the work to be carried out by the Municipality and the Applicant defaults the security deposit held by the Municipality. Where the cost of the work exceeds the value of the security deposit held, the Municipality may charge the cost of such excess against the permit holder; and in default of payment, recover the cost as a debt due to the Municipality.

Permits will not be issued to an Applicant where an Applicant has not paid for previous permit fees or provided refundable security deposits until the Municipality receives the previous outstanding funds.